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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/781,327	02/17/2004	Yan I. Wang	944-003.103-2

004955  
 WARE FRESSOLA VAN DER SLUYS &  
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 755 MAIN STREET, P O BOX 224  
 MONROE, CT 06468



CONFIRMATION NO. 9418  
 FORMALITIES LETTER



\*OC000000012681358\*

Date Mailed: 05/17/2004

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

***Filing Date Granted***

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$900** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts

Commissioner for Patents

P.O. Box 1450

07/20/2004 BABRAHA1 00000090 10781327

01 FC:1001  
 02 FC:1051

770.00 OP  
 130.00 OP

Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

*H. Argueta*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Y. Wang et al  
 Application No.: 10/781,327 Group No.:  
 Filed: February 17, 2004 Examiner:  
 For: Control Based on Adaptive Spreading Factor

Box Missing Part  
 Assistant Commissioner for Patents  
 Washington, D.C. 20231

**COMPLETION OF FILING REQUIREMENTS  
 — NONPROVISIONAL APPLICATION**

(check and complete this item, if applicable)

I.  This replies to the Notice to File Missing Parts of Application (PTO-1533)  
 mailed 5/17/04

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

A copy of the Notice to File Missing Parts of Application—Filing Date Granted (Form PTO-1533) is enclosed.

NOTE: The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

(When using Express Mail, the Express Mail label number is mandatory;  
 Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

37 C.F.R. § 1.8(a)

with sufficient postage as first class mail.

37 C.F.R. § 1.10 \*

as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**

facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Signature

Margery B. Hood

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

## DECLARATION OR OATH

II.  No declaration or oath was filed. ~~Enclosed is the original declaration or oath for this application.~~ Enclosed is a copy of the original declaration in the parent application 107040,891 filed Jan. 2, 2002.

NOTE: If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63, the later submission of an executed oath or declaration under § 1.63 during the pendency of the application will act to correct the earlier identification of inventorship. 37 C.F.R. § 1.48(f)(1).

## OR

The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

NOTE: For surcharge fee for filing declaration after filing date complete item VI(3) below.

NOTE: "The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. § 1.63:

"(A) application number (consisting of the series code and the serial number, e.g., 08/123,456);

"(B) serial number and filing date;

"(C) attorney docket number which was on the specification as filed;

"(D) title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or

"(E) title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration."

M.P.E.P. § 601.01(a), 7th Ed.

NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. § 1.10(c).

(complete (c) or (d), if applicable)

Attached is a

(c)  Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.

(d)  Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

## AMENDMENT CANCELLING CLAIMS

III.  Cancel claims \_\_\_\_\_ inclusive.

## TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS

IV.  Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

*NOTE: For fee processing a non-English application, complete item VI(5) below.*

*NOTE: A non-English oath or declaration in the form provided by the PTO need not be translated. 37 C.F.R. § 1.69(b).*

## SMALL ENTITY STATUS

V.

a.  An assertion that this filing is by a small entity

*(check and complete applicable items)*

- is attached.
- was filed on \_\_\_\_\_ (original).
- was made by paying the basic filing fee as a small entity.
- is being made now by paying the basic filing fee as a small entity.

b.  A separate refund request accompanies this paper.

## COMPLETION FEES

VI.

**WARNING:** Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 C.F.R. § 1.53.

*NOTE: For effect on fees of failure to establish status, or change status, as a small entity, see 37 C.F.R. § 1.28(a).*

1. Filing fee

<input checked="" type="checkbox"/> original patent application (37 C.F.R. § 1.16(a)—\$750.00; Small entity—\$375.00)	\$ 770.00
<input type="checkbox"/> design application (37 C.F.R. § 1.16(f)—\$330.00; small entity—\$165.00)	\$ _____
	\$ _____

2. Fees for claims

<input type="checkbox"/> each independent claim in excess of 3 (37 C.F.R. § 1.16(b)—\$84.00; small entity—\$42.00)	\$ _____
<input type="checkbox"/> each claim in excess of 20 (37 C.F.R. § 1.16(c)—\$18.00; small entity—\$9.00)	\$ _____
<input type="checkbox"/> multiple dependent claim(s) (37 C.F.R. § 1.16(d)—\$280.00; small entity—\$140.00)	\$ _____

3. Surcharge fees

declaration or oath late payment of filing fee and/or late filing of original (37 C.F.R. § 1.16(e)—\$130.00; small entity—\$65.00);

\$ 130.00

NOTE: If both the filing fee and declaration or oath were missing from the original papers, the Office practice under § 37 C.F.R. § 1.16(e) is that only one surcharge Fee need be paid whether the later filed oath or declaration and/or the filing fee are submitted afterwards at the same time or at different times.

4.  Petition and fee for filing by other than all the inventors or a person not the inventor (37 C.F.R. §§ 1.17(i) and 1.47—\$130.00) \$ \_\_\_\_\_

5.  Fee for processing an application filed with a specification in a non-English language (37 C.F.R. §§ 1.17(k) and 1.52(d)—\$130.00) \$ \_\_\_\_\_

6.  Fee for processing and retention of application (37 C.F.R. §§ 1.21(l) and 1.53(d)—\$130.00) \$ \_\_\_\_\_

7.  Assignment (See "ASSIGNMENT COVER SHEET".)

NOTE: 37 C.F.R. § 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 C.F.R. § 1.53(f) and this, as well as, the changes to 37 C.F.R. §§ 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee or the processing and retention fee of § 1.21(l) within 1 year of notification under §1.53(f) must be paid.

Total completion fees \$ 900.00

## EXTENSION OF TIME

### VII.

(complete (a) or (b), as applicable)

NOTE: 37 C.F.R. § 1.704(b) ". . . an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph."

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

(a)  Applicant petitions\ for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 430.00	\$ 205.00
<input type="checkbox"/> three months	\$ 930.00	\$ 465.00
<input type="checkbox"/> four months	\$ 1,450.00	\$ 725.00

Fee: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

or

(b)  Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

#### **TOTAL FEE DUE**

#### **VIII.**

The total fee due is

Completion fee(s) \$ 900.00

Extension fee (if any) \$ —

Total Fee Due \$ 900.00

#### **PAYMENT OF FEES**

#### **IX.**

Attached is a  check  money order in the amount of \$ 900.00  
 Authorization is hereby made to charge the amount of \$ any deficiency  
 to Deposit Account No. 23-0442  
 to Credit card as shown on the attached credit card information authorization form PTO-2038.

**WARNING:** Credit card information should **not** be included on this form as it may become public.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

## AUTHORIZATION TO CHARGE ADDITIONAL FEES

X.

**WARNING:** Accurately count claims, especially multiple dependant claims, to avoid unexpected high charges if extra claims are authorized.

**NOTE:** "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

The Office is hereby authorized to charge, in the manner shown above, the following additional fees that may be required by this paper and during the entire pendency of this application.

37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)

**NOTE:** Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid on these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

37 C.F.R. § 1.17(a)(1)–(5) (extension fees pursuant to § 1.136(a))

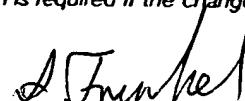
37 C.F.R. § 1.17 (application processing fees)

**NOTE:** "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

**NOTE:** Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).

**NOTE:** 37 C.F.R. § 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee . . ." From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.



SIGNATURE OF PRACTITIONER

Reg. No. 54,106

Anatoly Frenkel

(type or print name of practitioner)

Tel. No.: (203) 261-1234

WARE, FRESSOLA, VAN DER SLUYS &  
P.O. Address ADOLPHSON LLP

Customer No.: 004955

755 Main Street, PO Box 224  
Monroe CT 06468

(Completion of Filing Requirements— Nonprovisional Application [5-1]—page 6 of 6)